

**TOWN OF LITTLE COMPTON**  
**MINUTES – EXECUTIVE SESSION**  
**OCTOBER 18, 2012 – 6:00 P.M.**

**At 6:00 p.m. on October 18, 2012, at the Little Compton Town Hall, Council Chambers, 40 Commons, Little Compton, Rhode Island, the Little Compton Town Council convened. Members present were: Vice President Paul Golembeske, Councilman Mataronas, Councilman Appleton and Councilman Bodington. President Robert Mushen was absent.**

**At 6:01 p.m., the Town Council voted to go into Executive Session pursuant to R.I.G.L. 42-46-5(a)(2) Litigation – Rudick v. Little Compton Agricultural Conservancy Trust, C.A. No.: N.C. 2011-0635.**

**The Motion to go into Executive Session was made by Vice President Golembeske and seconded by Councilor Appleton. By roll call vote, each of the four (4) members voted affirmatively to go into Executive Session.**

**Also present were Richard S. Humphrey (Town Solicitor and Secretary Pro Tem) and Rebecca McCormick, Esquire.**

**Ruth Hough was also present when the meeting began. At 6:06 p.m., Andrew Teitz and his clients, Mr. and Mrs. Rudick, arrived. Likewise, at 6:06 p.m., Stetson Eddy (council for Ms. Hough and Mr. Compton)**

**also arrived. There was a discussion about the litigation styled Rudick v. LCACT (N.C. 2011-0635). The parameters of an acceptable settlement were discussed.**

**The various attorneys present suggested options, alternatives and acceptable language.**

**At 6:42 p.m., the Council voted to come out of Executive Session. Thereafter, the Council adopted the following resolution and unanimously voted as follows:**

**1. WHEREAS, in September of 2011, Ruth Hough and Robert Compton (“Hough/Compton”) acquired title to the property located at 10 Meadow Lane and designated as Plat 16, Lots 70-1, 72-3 and 72-4 (the “Property”) and paid the Little Compton Agricultural Conservancy Trust transfer tax in connection with said purchase;**

**2. WHEREAS, the Property is subject to additional transfer taxes to be paid by any future buyers upon the purchase of the Property;**

**3. WHEREAS, Hough/Compton obtained approval from the Little Compton Agricultural Conservancy Trust (“Ag Trust”) to construct horse fencing and run-in sheds for shelter for horses on the Property;**

**4. WHEREAS, Hough/Compton currently maintain three (3) horses on the Property and had commenced with the construction of a horse**

**barn on the Property;**

**5. WHEREAS, in December 2011, Richard S. Rudick and Ann J. Rudick (the “Rudicks”) filed a lawsuit (Case Number N.C. 2011-0635) against Ruth Hough and Robert Compton (“Hough/Compton”) and George Mason, William Richmond, Ellie Field, Pat Hagan, Ed Maiato, Wayne Montgomery and David Wechsler in their capacities as Trustees of the Ag Trust seeking confirmation and/or declaration that the stabling and maintenance of horses for private recreational use on the Property was not permitted;**

**6. WHEREAS, the lawsuit is currently pending appeal in the Rhode Island Supreme Court;**

**7. WHEREAS, the Rudicks and Hough/Compton have entered into a Purchase and Sale Agreement for the Property as a means of settlement as to themselves;**

**8. WHEREAS, the Rudicks have agreed to give a general release for the benefit of the Town of Little Compton, its Council Members, officers, elected officials, appointed officials, the Building Official, employees, agents, in their official capacities and in their individual capacities, the Little Compton Agricultural Conservancy Trust and its Trustees in their official capacities as well as in their individual capacities and have agreed to dismiss the above-mentioned litigation (Case Number N.C. 2011-635) with prejudice; (No costs. Each party to**

**bear its own attorney's fees. No interest.)**

**9. WHEREAS, Hough/Compton have agreed to give a general release for the benefit of the Town of Little Compton, its Council Members, officers, elected officials, appointed officials, the Building Official, employees, agents, in their official capacities and in their individual capacities, the Little Compton Agricultural Conservancy Trust and its Trustees in their official capacities as well as in their individual capacities and have agreed to dismiss the litigation styled Ruth Hough and Robert Compton Vs. The Little Compton Zoning Board of Review, N.C. 2012-0037 with prejudice. (No costs. Each party to bear its own attorney's fees. No interest.) upon sale of the property to the Rudicks.**

**10. WHEREAS, the Town Council is the municipal body authorized to abate real estate taxes;**

**NOW, THEREFORE, be it resolved by the Town Council of the Town of Little Compton, Rhode Island as follows:**

**That the Town Council in consideration of the above-referenced general releases and in consideration of the dismissal of the two cases referenced above (N.C. 2011-0635 and N.C. 2012-0037) with prejudice (No costs. Each party to bear its own attorney's fees. No interest.) hereby abates and/or waives any and all LCACT transfer taxes in connection with the purchase of the Property by the Rudicks**

**and any subsequent sale(s) of the Property by the Rudicks, in whole or in part, before November 1, 2014.**

**VOTED, upon motion by Councilor Golembeske and seconded by Councilor Appleton, and unanimously approved, and passed by the entire Council consisting of Vice President Golembeske, and Councilors Appleton, Mataronas and Bodington on this 18th day of October, 2012.**

**APPROVED:**

**Paul Golembeske**

**Vice President**

**Little Compton Town Council**

**Nota Bene**

**While the Town Council was beginning the regularly scheduled Town Council meeting at 7:00 p.m., Little Compton Agricultural Conservancy Trust Vice Chairman, William Richmond, appeared in the Council Chambers and was advised of the foregoing by Vice President Golembeske and Vice Chairman Richmond was asked by Vice President Golembeske to speak with the Solicitor and Rebecca McCormick (who were in the Council office) and Mr. Richmond did so.**

**Richard S. Humphrey, Clerk Pro tem**

**Continuation of meeting with Deputy Town Clerk serving as recording secretary as follows:**

**Minutes of a Town Council meeting held on October 18th, 2012 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske, and Gary S. Mataronas. Absent at this time: Robert L. Mushen and Richard S. Humphrey, Town Solicitor. Also in attendance: Tom Dunn, Business Manager.**

**Salute to the Flag:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mataronas): To approve, as written the October 4, 2012 Town Council meeting minutes.**

**Announcements:**

**The following upcoming vacancies were announced and will be considered at the November 8, 2012 meeting:**

- (1) Appraiser of Damage Done By Dogs – 2 year term**
- (1) Director of Social Services – 2 year term**
- (1) Town Sergeant – 2 year term**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To place on file the Building Official's Department Head Reports for August and September 2012.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To continue until the November 8, 2012 Town Council meeting an appointment of a member of the Pension Committee to represent the employees of the Town other than IBPO or IAFF due to a recent resignation.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To allow the Director of Public Works to purchase one 8` Fisher snow plow installed for \$4700.00 and a Boss tailgate sander installed for \$2800.00 for a total amount of \$7500.00 from OnSite Truck Repair from Central Falls RI.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To set a date for the 2013 Fireworks Celebration to be held on the same day as the Village Improvement Societies Annual Chicken Barbeque, contingent upon confirmation from the Village Improvement Society confirming a specific date.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton voting in favor (Appleton, Bodington, Golembeske, Mataronas): To authorize the Town Clerk to send a letter to the US Army Corps of Engineers on behalf of the Town Council to request they inspect the breakwater at Sakonnet Harbor and repair as soon as possible.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To place on file a Notice of Non-Compliance received from RI Dept. of Environmental Management concerning OWTS Application No. 0518-0846, Wilbur School, 28 Commons since the work has been completed.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To allow the Town Clerk to advertise applications received for the renewal of Beverage Licenses to be heard November 20, 2012.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Golembeske, Mataronas) ) Councilor Bodington abstained from voting: To place on file a Public Notice of proposed permit actions – draft RI Pollutant Discharge Elimination System Program revocation and reissuance for Sakonnet Point Club – Sakonnet Harbor.**



**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas): That the recommendation of the Board of Tax Assessors for the cancellation of the following taxes be granted under Section 44-7-14 of the General Laws of Rhode Island, as amended:**

**Acct/Name Plat/Lot/MV Abatement Value Abatement Year**  
**01-0162-10 2008 Cam UTL \$11,500.00 \$159.85 2012**  
**Alison Rose, Inc.**

<b>18-0792-00</b>	<b>022/0005</b>	<b>\$ 8,600.00</b>	<b>\$62.286</b>	<b>2001</b>
<b>Rogers, Frances E.</b>		<b>\$ 8,600.00</b>	<b>\$63.726</b>	<b>2002</b>
		<b>\$ 8,600.00</b>	<b>\$68.198</b>	<b>2003</b>
		<b>\$18,000.00</b>	<b>\$81.54</b>	<b>2004</b>
		<b>\$18,000.00</b>	<b>\$86.04</b>	<b>2005</b>
		<b>\$18,000.00</b>	<b>\$90.18</b>	<b>2006</b>
		<b>\$18,000.00</b>	<b>\$79.56</b>	<b>2007</b>
		<b>\$18,000.00</b>	<b>\$83.16</b>	<b>2008</b>
		<b>\$18,000.00</b>	<b>\$82.98</b>	<b>2009</b>
		<b>\$18,000.00</b>	<b>\$95.94</b>	<b>2010</b>
		<b>\$18,000.00</b>	<b>\$95.94</b>	<b>2011</b>
		<b>\$18,000.00</b>	<b>\$96.84</b>	<b>2012</b>

**TOTAL \$984.39**

**19-0311050 021/0035 \$174,200.00 \$937.20 2012**

**Selvaggio, John S.**

**02-1264-00 032/0008 \$127,000.00 \$683.26 2012**

**Bristol, Stephen & Elaine**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington voting in favor (Appleton, Bodington, Golembeske, Mataronas): To place on file a notice of proposed changes to Coastal Resources Management Council management plans, policies, procedures and regulations with written comment period through November 3, 2012.**

**Motion made by Councilor Bodington, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas): To grant a request from the LC Education Foundation to conduct their annual Little Compton Scenic Winter Road Race on January 5, 2013 contingent upon meeting all the requirements.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas): To place on a file a Public Notice Long Range Transportation Plan Draft – Transportation 2035 as received from RI Statewide Planning Program, RI Dept. of Administration with**

**a copy to be posted on the Bulletin Board and a copy to be sent to the Highway Supervisor.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas): To place on file consent calendar item #1 - a letter from RI Dept. of Health updating the status of the town's participation and performance in the 2011-2012 MEDS program.**

**Motion made by Councilor Bodington, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas): That the bills be allowed and ordered paid as follows: \$112,284.87**

**Petro - Gasoline \$3,183.77**

**Tripp's Lawn Care - Almy Cemetery fund \$138.00**

**Tripp's Lawn Care - Almy Cemetery fund \$184.00**

**Nationalgrid - street lights \$13.10**

**Nationalgrid - Town Dock \$30.79**

**Nationalgrid - Peckham Lot \$18.24**

**Nationalgrid - IOOF \$24.38**

**Nationalgrid - Meeting Hall \$14.26**

**Nationalgrid - Adamsville Street Lights \$39.58**

**Nationalgrid - Maintenance \$169.73**

**Nationalgrid - Cell Tower \$216.74**

**Everlasting Designs - October month computer \$1,600.00**

**Sakonnet Plumbing & Heating - Town Hall    \$172.40**

**Newmans Traffic Signs - Highway    \$335.14**

**William L. Moore - Highway/building    \$301.11**

**William L. Moore - Highway/building    \$131.08**

**Dave Venancio - Inspector    \$450.00**

**PJ Keating Co. - Highway    \$78,872.06**

**Jon C Ibbotson Excavating - Highway    \$3,930.00**

**Paychex of New York LLC - Treasurer    \$373.99**

**Home Depot - Maintenance    \$99.00**

**Fall River Modern Printing - Transfer Station/town clerk    \$420.00**

**Fall River Modern Printing - Canvassers    \$69.50**

**Verizon Wireless - Maintenance    \$63.05**

**Verizon Wireless - Building Official    \$52.54**

**Verizon Wireless - Transfer Station    \$30.07**

**Allied Waste - Transfer Station    \$6,167.85**

**Wilbur's General Store - Maintenance    \$91.54**

**Wilbur's General Store - Town hall    \$13.27**

**IAAO - Assessors    \$200.00**

**Franlart Nurseries - Tree Warden    \$1,300.00**

**Poland Springs - Town hall    \$15.01**

**Poland Springs - Maintenance    \$7.55**

**Direct Energy - Town Dock    \$26.20**

**Direct Energy - Street Lights    \$4.77**

**Direct Energy - Adamsville Street Lights    \$36.87**

**Direct Energy - Meeting Hall - 32 Commons    \$6.14**

**Direct Energy - Cell Tower    \$251.74**

**Direct Energy - IOOF \$18.40**

**Direct Energy - Town Hall \$194.73**

**Direct Energy - Street Lights Peckham Lot \$10.98**

**William L Moore - inspections \$450.00**

**Griggs& Browne Co., Inc. - Fire Dept. \$50.00**

**Tiverton Auto Body, Inc. - Fire Dept. \$1,684.83**

**Verizon Wireless - Fire Dept. \$66.81**

**Firematic Supply Co., Inc. - Fire Dept \$204.49**

**Clinical 1 Home Medical - Fire Dept. \$304.27**

**Firematic Supply Co., Inc. - Fire Dept \$67.38**

**Life Raft & Survival Equipment, Inc. - Fire Dept. \$165.00**

**Franlart Nurseries - Fire Dept. \$280.00**

**Imperial Municipal Partners - Fire Dept. \$547.00**

**Verizon Wireless - Fire Dept. \$39.43**

**Verizon Wireless - Fire Dept. \$30.07**

**Emergency Access Systems, Inc. - Fire Dept. \$196.00**

**Cox Communications - Fire Dept. \$176.08 \$3,811.36**

**AAA Police Supply - Drug Forfeiture \$456.00**

**Thomas Wood - Drug Forfeiture \$810.00**

**Rob's Auto Care - Drug Forfeiture \$501.39**

**Verizon Wireless - Drug Forfeiture \$336.05**

**Community College of RI - Drug Forfeiture \$432.38**

**Tiverton Auto Body - Drug Forfeiture \$85.00 \$2,620.82**

**Pitney Bowes - Police Dept. \$136.00**

**Belmont Springs - Police Dept. \$21.13**

**Sakonnet Veterinary Hospital - Police Dept. \$780.00**

**Cox Communication/Internet - Police Dept. \$171.00**

**Cox Communication/Telephone - Police Dept. \$176.22 \$1,284.35**

**Mallard & Pops Printing - Tree Committee funds \$485.00**

**Atlantic Flag & Banner - RCOS funds Vet. Field pole \$649.50**

**Walco - Town Crane - Harbor Mngt. Funds \$2,407.26**

**Affiliated Computer Services - RI Hist. Records Funds \$1,299.00**

**Motion made by Councilor Bodington, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas): To adjourn at 7:13 PM.**

**Sheila A Oliveira, Deputy Town Clerk**